

**RESOLUTION 43-21  
THE TOWN OF FOREST HEIGHTS**

**A RESOLUTION TO DECLARE A VACANCY IN THE OFFICE OF MAYOR AND TO  
CALL A SPECIAL ELECTION TO FILL THE VACANCY**

Introduced By: Acting Mayor Washington

WHEREAS, the Town of Forest Heights was deeply saddened to announce the recent passing of Mayor Haheeb-Ullah Muhammad on August 15, 2021; and

WHEREAS, the Town Charter, §33-19 provides that if a vacancy in the office of Mayor occurs less than fifteen (15) months prior to the next election, the President of the Council shall become Mayor until the next regular election, and if the Mayoral vacancy occurs fifteen (15) months or more prior to the next regular election, the Council shall call a special election to be held not less than forty-five (45) days nor more than sixty (60) days following the occurrence of the vacancy, and the President of the Council shall act as Mayor until the special election, and the person elected at the special election shall serve until the next Regular Election; and

WHEREAS, because former Mayor Muhammad was recently elected this past March, and the current mayoral vacancy has occurred fifteen (15) months or more prior to the next regular election, the Council shall call a special election to be held not less than forty-five (45) days, or after September 29, 2021, nor more than sixty (60) days, or before October 14, 2021, following the occurrence of the vacancy; and

WHEREAS, the Council finds that under §33-19 of the Charter, the special election shall be held as soon as practical after the expiration of forty-five days but before the sixty-day period runs, and at least five business days shall pass subsequent to the announcement of the election and the cut-off for the submission of nominations, and nominations must be announced at least five business days prior to the election; and

WHEREAS, the Council further finds that under §33-31 of the Charter that except as otherwise stated therein, persons may be nominated for elective office in the Town by filing a certificate of nomination with the Town Clerk; and

WHEREAS, the Council further finds that under § 33-31 and § 33-35 of the Charter in the case of special elections, there is a requirement to file a certificate of nomination including a statement of qualification prior to the election provided that the requirement of the need to file such information with the Town Clerk is announced in the Town newsletter, a newspaper of general circulation or a conspicuous public place within the Town at least five business days prior to the cutoff for filing and such filing must be scheduled at least five business days prior to the election in question; and

WHEREAS, the Council further finds that under § 14.5 of the Town Code, except for an official who has filed a financial disclosure statement under another provision of said section for

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the reporting period (i.e., annually each calendar year), a candidate to be an elected Town official shall file a financial disclosure statement required under this section in the year the certificate of nomination is filed, no later than the filing of the certificate of nomination as prescribed by Section 33-31 of the Town Charter; and

WHEREAS, the Town Charter, §33-31 provides that such certificate of nomination shall state (1) the office for which the person is seeking, (2) the name and signature of the candidate, (3) the ward in which the person resides, and (4) a statement that he meets the qualifications for the office as contained in this Charter, and that no person shall file for nomination to more than one elective Town public office or hold more than one elective Town public office at any one time, and that the Town Board of Elections shall review each certificate of nomination and shall certify that the candidate meets the qualifications and requirements contained in the Charter, and that any certificate of a candidate, that in the Board's judgment does not meet the stated qualifications and requirements, shall be returned to the candidate with the reasons for the return stated thereon; and

WHEREAS, the Town Charter, §33-27 provides the Town Board of Elections shall give at least two weeks' notice of every election by an advertisement published in the "Forest Heights News," the Town newsletter, or in at least one newspaper of general circulation in the Town and by posting a notice thereof in some public place or places in the Town, and the notice of election shall contain the purpose of the election including a description of any questions for referendum.

NOW THEREFORE BE IT RESOLVED AND ORDAINED, that the Town Council hereby declares a vacancy in the Office of Mayor and calls a special election to fill the vacancy on the 13<sup>th</sup> day of October 2021 in accordance with the election schedule provided hereinbelow and incorporated herein by reference as Exhibit A; and

BE IT FURTHER RESOLVED AND ORDAINED, that the Town Board of Elections shall give at least two weeks' notice of the special election by an advertisement published in the "Forest Heights News," the Town newsletter, or in at least one newspaper of general circulation in the Town and by posting a notice thereof in some public place or places in the Town, and the notice of election shall contain the purpose of the election; and

BE IT FURTHER RESOLVED AND ORDAINED, that the Maryland and Town flags shall be flown at half-staff on all property under the Town's jurisdiction from day of death until sunset on day of interment of former Mayor Muhammad or as otherwise ordered by the Acting Mayor; and

BE IT FURTHER RESOLVED AND ORDAINED, that the Acting Mayor is authorized to sign this Resolution on behalf of the Council; and

BE IT FURTHER RESOLVED AND ORDAINED, that this Resolution shall take effect immediately upon passage and shall be posted in a conspicuous place in Town within 24 hours of its passage.

PASSED this 18<sup>th</sup> day of August 2021.

APPROVED: By Resolution of the Town Council of The Town of Forest Heights, Maryland

ROLL CALL VOTE

YEA/NAY/ABSTAIN/ABSENT

VACANT

BROWNSON

NOBLE

BARNES

HINES

ATKINSON

WASHINGTON

Yea  
Yea  
Yea  
Yea  
Absent  
Yea

ATTEST:

THE MAYOR AND COUNCIL OF THE  
TOWN OF FOREST HEIGHTS, MARYLAND

**SIGNATURE ON FILE**

Sherletta Hawkins, Town Clerk

**SIGNATURE ON FILE**

By:

Calvin Washington, Acting Mayor

CERTIFICATION

I, hereby certify, as the duly appointed Town Clerk of the Town of Forest Heights, Maryland, that on the 18 day of August 2021 with 5 Aye votes and 0 Nay votes the aforesaid Resolution 43-21 passed.

**SIGNATURE ON FILE**

Sherletta Hawkins, Town Clerk

**SIGNATURE ON FILE**

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